THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 15094 of 2007

Date: 07.08.2007

Between:

B. Venkata Nayak and others.

..... PETITIONERS

AND

The Integrated Tribal Development Agency,
(ITDA), rep. by its Project Officer,
Bhadrachalam, Khammam District and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 15094 of 2007

Order:

The petitioners, who are working as School Assistants, Secondary Grade Teachers, Hindi Pandits, Telugu Pandits and Physical Education Teachers, have filed this writ petition seeking a Writ of Mandamus declaring the action of the respondents in not granting the scales attached to the said posts, as prescribed by the Government in G.O. Ms. No. 858, dated 25.06.1995, from the date of their initial appointment, while granting the scales attached to the said posts as per said G.O. to the Teachers working in ITDA, Adilabad, as illegal and arbitrary, and consequently to direct the respondents to grant the scales attached to the posts of the petitioners from the date of their initial appointment and to pay the arrears as per the said G.O.

The case of the petitioners is that since they were appointed as School Assistants, Secondary Grade Teachers, Hindi Pandits, Telugu Pandits and Physical Education Teachers by direct recruitment, they are all entitled to the scales attached to the said posts, as per G.O. Ms. No. 858, dated 25.06.1995, and since the respondents, were treating them as apprentices, by paying between Rs.1500/- and Rs.1800/- per month, they made a representation to the Project Officer, Integrated Tribal Development Agency (ITDA), Bhadrachalam, in the year 1998, requesting him to grant the scale attached to the post of School Assistant at Rs.2525-5390/- and to the posts of Hindi Pandits and Telugu Pandits Grade-II and PETs at Rs.1975-4000/- respectively, and though the said representation was forwarded to the 3rd respondent-Commissioner and Director of Tribal Welfare, Hyderabad, duly

recommending their cases for sanction of scales attached to their posts, so far no action thereon had been taken. The further case of the petitioners is that the respondents are paying the scales attached to the posts in question, as per the said G.O, to the teachers working in some Schools in ITDA, Adilabad Region, and non-extending the said benefit to the petitioners, is violative of Article 14 of the Constitution of India. Hence, they filed the present writ petition seeking to direct the 3rd respondent to consider their representation and take appropriate decision in the matter.

Heard the learned counsel for the petitioners, learned Government Pleader for School Education and the learned Government Pleader for Social Welfare.

Since the representation of the petitioners, seeking to grant the scales attached to their posts, is said to be pending consideration before the 3rd respondent, without going into the merits of the matter, I deem it appropriate to dispose of the writ petition with the following directions:

The 3rd respondent, namely the Commissioner and Director of Tribal Welfare, Hyderabad, is directed to consider the representation of the petitioners, forwarded by the Project Officer, I.T.D.A., Bhadrachalam, in the light of G.O. Ms. No. 858, dated 25.06.1996, and pass appropriate orders in accordance with law.

Accordingly, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Date: 07.08.2007
Nsr